

### **REMARKS**

This application has been carefully reviewed in light of the Office Action mailed March 31, 2006. At the time of the Office Action, Claims 1-21 were pending in the application. In the Office Action, the Examiner rejects Claims 1, 7, 10, 16-18 and 21 and objects to Claims 2-6, 8-9, 11-15, 19 and 20. Applicant amends Claims 4, 13, and 19-20. Applicant does not admit that any amendments are necessary due to any cited art or rejections. Applicant respectfully requests reconsideration and allowance of all pending claims.

### **Claim Objections**

The Examiner objects to Claims 4, 13, 19 and 20 because of various informalities. Applicant amends Claims 4, 13, and 19-20 to address the Examiner's concerns. Applicant respectfully requests reconsideration and allowance of Claims 4, 13, and 19-20.

### **Section 103 Rejections**

The Examiner rejects Claims 1, 7, 10, 16-18 and 21 under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 07-321603 issued to Ruitenburg ("*Ruitenburg*") in view of European Patent No. 0 883 237 A1 issued to Nash ("*Nash*"). Applicant respectfully requests reconsideration and allowance of Claims 1, 7, 10, 16-18 and 21.

Applicant respectfully requests that the Examiner withdraw the *Ruitenburg-Nash* combination as improper. In particular, the Examiner's primary reference, *Ruitenburg*, teaches away from various elements of Claim 1. "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). (M.P.E.P. § 2141.02). For example, *Ruitenber*g teaches that "[p]ref[erably] the mixers in all the signal paths are coupled to a **common** oscillator (20, 21) with an associated phase-locked loop." (Abstract; emphasis added). Moreover, Figure 2 of *Ruitenber*g illustrates that each of the mixers 14, 15, and 16 operates in conjunction with a common oscillator and associated phase-locked loop. The phase-locked loop 20 controls oscillator 21 of *Ruitenber*g such that it maintains a constant

phase angle relative to the reference signal. As illustrated in Figure 2 of *Ruitenber*, the oscillator 21 is limited to outputting a single phase signal. Therefore, *Ruitenber* actually teaches away from “the selected mixer stage comprising ... a phase generation circuit operable to generate a plurality of phase signals” as recited, in part, in Claim 1. Therefore, the *Ruitenber-Nash* combination is improper and the Examiner has failed to establish a prima facie rejection of Claim 1 under 35 U.S.C. § 103. Applicant respectfully requests reconsideration and allowance of Claim 1.

Claims 10 and 17 are allowable for reasons analogous to those set forth above with regard to Claim 1. Claims 2-9, 11-16, and 18-21 depend from independent claims shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2-21.

#### **Allowable Subject Matter**

The Examiner objects to Claims 2-6, 8-9, 11-15, 19 and 20 as being dependent upon a rejected base claim, but indicates that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully declines the Examiner’s invitation to amend these claims in this way at this time in view of the remarks set forth herein.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

If there are matters that can be discussed by telephone to further the prosecution of this Application, Applicant invites the Examiner to call the undersigned attorney at (214) 953-6581 at the Examiner's convenience.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: April 25, 2006

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